

By Senator Jones

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1 A bill to be entitled
2 An act relating to students with limited English
3 proficiency; amending s. 1008.22, F.S.; requiring
4 district school boards to provide certain instruction
5 to students who have limited English proficiency;
6 requiring that certain standardized assessments be
7 waived for such students in specified circumstances;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (c) of subsection (3) of section
13 1008.22, Florida Statutes, is amended to read:

14 1008.22 Student assessment program for public schools.—

15 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
16 Commissioner of Education shall design and implement a
17 statewide, standardized assessment program aligned to the core
18 curricular content established in the Next Generation Sunshine
19 State Standards. The commissioner also must develop or select
20 and implement a common battery of assessment tools that will be
21 used in all juvenile justice education programs in the state.
22 These tools must accurately measure the core curricular content
23 established in the Next Generation Sunshine State Standards.
24 Participation in the assessment program is mandatory for all
25 school districts and all students attending public schools,
26 including adult students seeking a standard high school diploma
27 under s. 1003.4282 and students in Department of Juvenile
28 Justice education programs, except as otherwise provided by law.
29 If a student does not participate in the assessment program, the

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30 school district must notify the student's parent and provide the
31 parent with information regarding the implications of such
32 nonparticipation. The statewide, standardized assessment program
33 shall be designed and implemented as follows:

34 (c) *Students with disabilities and students who have*
35 *limited English proficiency; Florida Alternate Assessment.*—

36 1. Each district school board must provide instruction to
37 prepare students with disabilities and students who have limited
38 English proficiency in the core content knowledge and skills
39 necessary for successful grade-to-grade progression and high
40 school graduation.

41 2. A student with a disability, as defined in s. 1007.02,
42 or a student who has limited English proficiency, as defined in
43 s. 1003.56(2)(a), for whom the individual education plan (IEP)
44 team or an ELL Committee as defined by rule of the Department of
45 Education, determines that the statewide, standardized
46 assessments under this section cannot accurately measure the
47 student's abilities, taking into consideration all allowable
48 accommodations, shall have assessment results waived for the
49 purpose of receiving a course grade and a standard high school
50 diploma. Such waiver shall be designated on the student's
51 transcript. The statement of waiver shall be limited to a
52 statement that performance on an assessment was waived for the
53 purpose of receiving a course grade or a standard high school
54 diploma, as applicable.

55 3. The State Board of Education shall adopt rules, based
56 upon recommendations of the commissioner, for the provision of
57 assessment accommodations for students with disabilities and for
58 students who have limited English proficiency.

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59 a. Accommodations that negate the validity of a statewide,
60 standardized assessment are not allowed during the
61 administration of the assessment. However, instructional
62 accommodations are allowed in the classroom if identified in a
63 student's IEP. Students using instructional accommodations in
64 the classroom that are not allowed on a statewide, standardized
65 assessment may have assessment results waived if the IEP team
66 determines that the assessment cannot accurately measure the
67 student's abilities.

68 b. If a student is provided with instructional
69 accommodations in the classroom that are not allowed as
70 accommodations for statewide, standardized assessments, the
71 district must inform the parent in writing and provide the
72 parent with information regarding the impact on the student's
73 ability to meet expected performance levels. A parent must
74 provide signed consent for a student to receive classroom
75 instructional accommodations that would not be available or
76 permitted on a statewide, standardized assessment and
77 acknowledge in writing that he or she understands the
78 implications of such instructional accommodations.

79 c. If a student's IEP states that online administration of
80 a statewide, standardized assessment will significantly impair
81 the student's ability to perform, the assessment shall be
82 administered in hard copy.

83 4. For students with significant cognitive disabilities,
84 the Department of Education shall provide for implementation of
85 the Florida Alternate Assessment to accurately measure the core
86 curricular content established in the Next Generation Sunshine
87 State Standards.

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Section 2. This act shall take effect July 1, 2021.